

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION

FILED  
STATESVILLE, N.C.  
2005 MAR -1 AM 10:45  
U.S. DISTRICT COURT  
WEST. OF N.C.

ERIC ESANCY,

Plaintiff,

v.

JAMES T. QUINN,

Defendant.

No. No. 5: 05CV26

**DEFENDANT'S MOTION TO DISMISS AND  
MOTION FOR MORE DEFINITE STATEMENT**

Pursuant to Fed. R. Civ. P. 12(b)(6) and 12(e), Defendant James T. Quinn ("Mr. Quinn" or "Defendant"), moves this Court for an order (1) dismissing Plaintiff's claims for fraud/misrepresentation and unfair and deceptive trade practices for failure to state a claim and (2) requiring Plaintiff to provide a more definite statement of his defamation claim.

In support of this Motion, Defendant incorporates and relies upon his Memorandum of Law in Support of Defendant's Motion to Dismiss and Motion for More Definite Statement.

Respectfully submitted,

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CALDWELL & BERKOWITZ, PC



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and

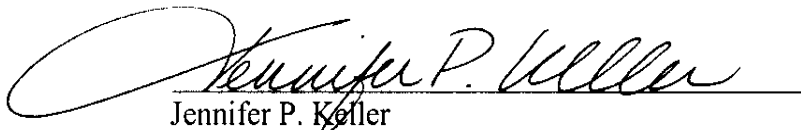
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*Motions for Pro Hac Vice Admission Pending*

*Attorneys for James T. Quinn*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and exact copy of the foregoing Defendant's Motion to Dismiss and Motion for More Definite Statement has been served upon the counsel for parties in interest herein by mailing same to the offices of said counsel by United States Mail with sufficient postage thereon to carry the same to its destination:

C. Gary Triggs  
N. C. S. B. #5865  
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Jennifer P. Keller

Dated: February 28<sup>th</sup>, 2005.